

**ORDINANCE NO. 3
SERIES 2013**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ANNEXING THE PROPERTY COMMONLY KNOWN AS "VANTUYL RANCH" INTO THE CITY OF GUNNISON, COLORADO, AND APPROVING AND AUTHORIZING THE EXECUTION OF THE *VANTUYL RANCH ANNEXATION AGREEMENT*.

WHEREAS, a Petition for Annexation of the property commonly known as "VanTuyl Ranch", which property is more particularly described in the attached Exhibit A, was filed by the City of Gunnison and the Gunnison County Library District on November 29, 2011, as owners (hereinafter referred to as the "petitioners"); and

WHEREAS, the City of Council of the City of Gunnison, Colorado has established policies and procedures set forth in Resolution 15, Series 2007, that are followed when considering the annexation of any unincorporated territory into the City of Gunnison; and,

WHEREAS, the City Council of the City of Gunnison, Colorado, has previously found by adoption of Resolution 9, Series 2012, the said Petition for Annexation to be in substantial compliance with Colorado state law; and

WHEREAS, the City Council of the City of Gunnison, Colorado, has previously determined by adoption of Resolution 10, Series 2012, the property described in attached Exhibit A is eligible for annexation to the City of Gunnison, Colorado, without an election pursuant to Colorado state law; and

WHEREAS, the City of Gunnison, Colorado, and the Gunnison County Library District have agreed upon the terms and conditions for the annexation of the property described in Exhibit A, which terms and conditions are contained in the *VanTuyl Ranch Annexation Agreement*; and

WHEREAS, the City Council of the City of Gunnison, Colorado has determined that the VanTuyl Ranch Annexation is consistent with annexation policies and guidelines established in Resolution 15, Series 2007, and this annexation protects the community's health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Annexation. The real property described in Exhibit A, attached hereto and incorporated herein, is hereby annexed to and made part of the City of Gunnison, Colorado.

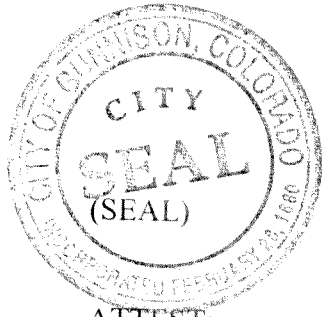
Section 2. Annexation Map. The real property described in Exhibit A and herein annexed is depicted in the annexation map entitled "VanTuyl Ranch Annexation to the City of Gunnison" dated January 4, 2013, which is incorporated herein by this reference.

Section 3. Annexation Agreement. The annexation of the real property described in Exhibit A is subject to the terms and conditions contained in the "*VanTuyl Ranch Annexation Agreement*" dated February 12, 2013, by and between the City of Gunnison, Colorado and the Gunnison County Library District, as owners of said property. The Mayor and City Clerk are hereby authorized to execute the VanTuyl Ranch Annexation Agreement on behalf of the City of Gunnison, Colorado.

Section 4. Recording. The Clerk of the City of Gunnison is hereby authorized and directed to file one copy of the annexation map with the original of the annexation ordinance in her office, and file for recording with the County Clerk and Recorder of the County of Gunnison, Colorado, three certified copies of this ordinance and the annexation map, and to record in said office the *VanTuyl Ranch Annexation Agreement* bearing original signatures.

Section 5. Publication and Effective Date. The City Clerk is hereby directed to publish this ordinance as required. This ordinance shall become effective upon second reading and adoption by City Council.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 22nd day of January, 2013, on first reading, and introduced, read, passed and adopted on second and final reading this 12th day of February, 2013.



ATTEST:

Ellen Harriman
Mayor

Gail A. Davidson
City Clerk

Published in its entirety in the Gunnison
Country Times Newspaper
January 31, 2013,

Exhibit A
VanTuyl Ranch Annexation to the City of Gunnison
Within S1/2SE1/4SE1/4 Section 23
S1/2SW1/4SW1/4 Section 25
NE1/4, SE1/4, E1/2SW1/4, E1/2NW1/4 Section 26
NW1/4NE1/4, NE1/4NW1/4 Section 35
Township 50 North, Range 1 West, N.M.P.M.
Gunnison County, Colorado

Tract A

A parcel of land within S1/2SE1/4SE1/4 of Section 23, S1/2SW1/4SW1/4 of Section 25, and NE1/4, SE1/4, E1/2SW1/4, and E1/2NW1/4 of Section 26, Township 50 North, Range 1 West, New Mexico Principal Meridian, Gunnison County, Colorado, being more particularly described as follows:

Commencing at the southeast corner of said Section 26, as marked by a brass cap stamped "LS 5112" set in concrete, this being the POINT OF BEGINNING of the herein described parcel; thence the following courses around said parcel:

1. North 89°45'46" West 609.27 feet along the south boundary of said Section 26 to the southeast corner of The United States of America property, Parcel WAU-MIT-6A, as described by deed recorded in Book 714 at page 803 in the records of Gunnison County;
2. North 00°50'01" West 660.00 feet along the east boundary of said property to the northeast corner of said property (this leg being previously recorded as North 00°48'18" West);
3. North 89°45'46" West 660.00 feet along the north boundary of said property; (this leg being previously recorded as North 89°44'03" West);
4. South 00°50'01" East 625.00 feet along said boundary (this leg being previously recorded as South 00°48'18" East);
5. South 44°42'07" West 49.03 feet along said boundary to the south line of said Section 25 (this leg being previously recorded as South 44°43'50" West);
6. North 89°45'46" West 1234.86 feet along said boundary to the south quarter corner of said Section 25, as marked by an aluminum cap monument stamped "LS11250" (this leg being previously recorded as North 89°44'03" West);
7. South 89°04'09" West 1132.90 feet along said boundary to the east boundary of the United States of American property, Parcel WAU-MIT-6B, as described by deed recorded in Book 714 at page 803 in said records (this leg being previously recorded as South 89°07'34" West);
8. North 00°15'39" West 137.53 feet along said boundary (this leg being previously recorded as North 00°13'56" West);
9. North 13°48'34" West 640.53 feet along said boundary (this leg being previously recorded as North 13°45'09" West);
10. North 05°47'19" West 391.95 feet along said boundary (this leg being previously recorded as North 05°45'09" West);
11. North 07°16'10" East 173.09 feet along said boundary (this leg being previously recorded as North 07°19'35" East);
12. North 18°14'09" East 273.07 feet along said boundary (this leg being previously recorded as North 18°17'34" East);
13. North 04°36'11" East 162.57 feet along said boundary (this leg being previously recorded as North 04°39'36" East);
14. North 30°37'32" East 48.95 feet along said boundary (this leg being previously recorded as North 30°40'57" East);
15. North 29° 52'15" East 201.21 feet along said boundary (this leg being previously recorded as North 29°55'40" East);
16. North 58°12'00" East 120.87 feet along said boundary (this leg being previously recorded as North 58°15'25" East);

17. North 37°32'07" East 271.09 feet along said boundary (this leg being previously recorded as North 37°35'32" East);
18. North 21°35'07" East 110.48 feet along said boundary (this leg being previously recorded as North 21°38'32" East);
19. North 15°08'12" East 160.77 feet along said boundary (this leg being previously recorded as North 15°11'37" East);
20. North 15°27'15" East 132.88 feet along said boundary (this leg being previously recorded as North 15°30'40" East);
21. North 12°46'26" East 188.55 feet along said boundary (this leg being previously recorded as North 12°49'51" East);
22. North 11°58'39" East 103.38 feet along said boundary (this leg being previously recorded as North 11°55'14" East);
23. North 17°57'05" East 52.70 feet along said boundary (this leg being previously recorded as North 18°00'03" East);
24. North 23°13'42" East 100.51 feet along said boundary (this leg being previously recorded as North 23°17'07" East);
25. North 08°28'14" East 254.64 feet along said boundary (this leg being previously recorded as North 08°31'29" East);
26. North 00°25'40" East 73.86 feet along said boundary (this leg being previously recorded as North 00°29'05" East);
27. North 24°18'08" East 109.55 feet along said boundary (this leg being previously recorded as North 24°21'33" East);
28. North 01°32'24" East 340.21 feet along said boundary (this leg being previously recorded as North 01°35'49" East);
29. North 27°58'16" East 71.16 feet along said boundary (this leg being previously recorded as North 28°01'41" East);
30. North 03°18'54" East 56.53 feet along said boundary (this leg being previously recorded as North 03°22'07" East 57.67 feet) to the south boundary of the NE1/4NW1/4 of said Section 26, also to the southeast corner of the United States of America property, Parcel WAU-MIT-6C, as described by deed recorded in Book 714 at page 803 in said records;
31. North 03°18'54" East 77.83 feet along the easterly boundary of said Parcel (this leg being previously recorded as North 03°22'07" East);
32. North 30°06'12" East 145.27 feet along said boundary (this leg being previously recorded as North 30°06'12" East);
33. North 62°34'15" East 117.47 feet along said boundary (this leg being previously recorded as 62°36'48" East);
34. South 83°32'50" East 284.85 feet along said boundary (this leg being previously recorded as 83°30'17" East);
35. North 89°13'24" East 298.97 feet along said boundary (this leg being previously recorded as North 89°15'57" East);
36. North 64°31'10" East 201.42 feet along said boundary (this leg being previously recorded as North 64°33'43" East);
37. North 34°42'53" East 201.81 feet along said boundary (this leg being previously recorded as North 34°45'26" East);
38. North 23°55'34" East 174.11 feet along said boundary (this leg being previously recorded as North 23°58'07" East);
39. North 15°15'19" West 264.15 feet along said boundary (this leg being previously recorded as North 15°12'46" East);

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Exhibit A, Page 3

40. North 46°21'57" East 91.82 feet along said boundary (this leg being previously recorded as North 46°24'30" East);
41. South 58°42'10" East 254.86 feet along said boundary (this leg being previously recorded as South 58°39'37" East);
42. South 75°22'43" East 293.83 feet along said boundary (this leg being previously recorded as South 75°20'10" East);
43. North 84°33'52" East 395.71 feet along said boundary (this leg being previously recorded as North 84°36'25" East);
44. North 62°22'56" East 201.27 feet along said boundary (this leg being previously recorded as North 62°25'29" East);
45. North 33°35'53" East 565.01 feet along said boundary (this leg being previously recorded as North 33°38'26" East) to the north boundary of said Section 26;
46. North 34°46'30" West 138.31 feet to the centerline of the Gunnison River, also the Terminus of the Boundary Line Agreement described in Book 714 at page 777 in said records;
47. South 66°16'06" East 100.00 feet along said boundary to an existing fence corner;
48. South 67°12'10" East 70.04 feet along said boundary and along an existing fenceline (this leg being previously recorded as South 66° 16'05" East 67.58 feet);
49. South 70°38'45" East 78.98 feet along said boundary and fenceline;
50. South 81°03'18" East 55.50 feet along said boundary and fenceline (this leg being previously recorded as South 78°17'40" East 54.02 feet);
51. South 84°41'28" East 138.78 feet along said boundary and fenceline (this leg being previously recorded as South 86°23'16" East 139.76 feet);
52. South 68°35'10" East 20.10 feet along said boundary and fenceline (this leg being previously recorded as South 69°47'05" East 21.85 feet);
53. South 39°05'26" East 41.53 feet along said boundary and fenceline (this leg being previously recorded as South 45°48'40" East 38.26 feet);
54. South 02°44'46" East 75.75 feet along said boundary and fenceline (this leg being previously recorded as 05°07'16" East 80.32 feet);
55. South 50°24'27" East 58.12 feet along said boundary and fenceline (this leg being previously recorded as 63.41 feet) to the northeast corner of the Calkins property as described by deed recorded in Book 640 at page 43 in said records;
56. South 58°06'46" West 189.13 feet along the northerly boundary of said property;
57. South 54°55'38" West 61.96 feet along said boundary to an existing fence corner, being the northwest corner of said property as called for in said deed;
58. South 03°44'09" East 85.13 feet along the westerly boundary of said property;
59. South 12°57'53" East 42.18 feet along said boundary;
60. South 02°47'21" East 233.77 feet along said boundary;
61. South 12°39'31" East 63.47 feet along said boundary to the southwest corner of said property;
62. South 08°20'26" East 27.37 feet along said Boundary Line Agreement described in Book 714 at page 777 (this leg being previously recorded as South 05°58'53" East 27.38 feet);
63. South 02°04'02" East 582.39 feet along said east boundary and an existing fenceline (this leg being previously recorded as 581.91 feet) to the south boundary of the NE1/4NE1/4 of said Section 26;
64. South 89°15'34" West 319.13 feet along said south boundary to the northwest corner of the E1/2SE1/4NE1/4 of said Section 26;

65. South $00^{\circ}32'34''$ East 1321.34 feet along the west boundary of said E1/2SE1/4NE1/4 to the southwest corner of said E1/2SE1/4NE1/4;
66. North $89^{\circ}22'25''$ East 648.90 feet along the south boundary of said E1/2SE1/4NE1/4 to the east boundary of said Section 26;
67. South $00^{\circ}13'56''$ East 2644.61 feet along said east boundary to the POINT OF BEGINNING.

Tract B (Includes Gunnison County Library District property – Reception No. 588016)

A parcel of land within the NW1/4NE1/4 and the NE1/4NW1/4 of Section 35, Township 50 North, Range 1 West, New Mexico Principal Meridian, Gunnison County, Colorado, being more particularly described as follows:

Commencing at the northeast corner of said Section 35, as marked by a brass cap stamped "LS 5112" set in concrete, thence South $45^{\circ}02'01''$ West 1875.97 feet to a point on the intersection of westerly boundary of the Palisade Addition to the City of Gunnison, according to the plat thereof, filed at Reception No. 231640 in the records of Gunnison County, with the south boundary of said NW1/4NE1/4 of Section 35, this point also being the southeast corner of the Gunnison County Library Board property as described by deed recorded at Reception No. 588016 in said records, thence North $89^{\circ}51'32''$ West 403.446 feet along said south boundary to the southwest corner of said property, the POINT OF BEGINNING of the herein described parcel; thence the following courses around said parcel:

1. North $89^{\circ}51'32''$ West 831.13 feet along said south boundary to the southwest corner of said NW1/4NE1/4, this point also being the southeast corner of that property described by deed recorded in Book 288 at page 522 of said records;
2. North $00^{\circ}58'42''$ East 794.40 feet along the east boundary of said NE1/4NW1/4, and the east boundary of said property to the northeast corner of said property (this leg being previously recorded as North 794.4 feet);
3. North $89^{\circ}01'18''$ West 206.00 feet along the north boundary of said property to the northwest corner of said property (this leg being previously recorded as West 206.00 feet);
4. South $00^{\circ}58'42''$ West 634.40 feet along the west boundary of said property (this leg being previously recorded as South 634.4 feet);
5. North $89^{\circ}01'18''$ West 70.00 feet along said boundary (this leg being previously recorded as West 70.0 feet);
6. South $00^{\circ}58'42''$ West 167.22 feet along said boundary to the south boundary of said NE1/4NW1/4 (this leg being previously recorded as South 160.00 feet);
7. South $89^{\circ}33'10''$ West 801.24 feet along said boundary to the east boundary of the United States of America property, Parcel WAU-MIT-6B, as described by deed recorded in Book 714 at page 803 in said records;
8. North $00^{\circ}28'27''$ West 283.55 feet along said boundary (this leg being previously recorded as North $00^{\circ}25'02''$ West 283.47 feet);
9. North $15^{\circ}22'32''$ West 181.07 feet along said boundary (this leg being previously recorded as North $15^{\circ}19'07''$ West);
10. North $04^{\circ}48'16''$ East 276.29 feet along said boundary (this leg being previously recorded as North $04^{\circ}51'41''$ East);
11. North $00^{\circ}37'35''$ West 438.45 feet along said boundary (this leg being previously recorded as North $00^{\circ}34'31''$ West);
12. North $00^{\circ}15'39''$ West 127.24 feet along said boundary to the southwest corner of the United States of America property, Parcel WAU-MIT-6A, as described in said Book 714 at page 803 (this leg being previously recorded as North $00^{\circ}13'56''$ West);
13. North $89^{\circ}04'09''$ East 1132.93 feet along said boundary to the east boundary of said NE1/4NW 1/4 (this leg being previously recorded as North $89^{\circ}07'34''$ East);
14. South $89^{\circ}45'46''$ East 1244.19 feet along said boundary to the west boundary of said Palisade Addition (this leg being previously recorded as South $89^{\circ}44'03''$ East);
15. South $14^{\circ}05'00''$ West 182.13 feet along said boundary;
16. South $00^{\circ}36'00''$ East 348.95 feet along said boundary to the northeast corner of said Gunnison County Library Board property;

17. North 89°32'00" West 190.10 feet along the north boundary of said property to the northwest corner of said property;

18. South 14°42'26" West 808.21 feet along the west boundary of said property to the POINT OF BEGINNING.

TOGETHER WITH the Gunnison County Library Board property, described by deed recorded at Reception No. 588016 in said records, being more particularly described as follows:

Township 50 North, Range 1 West, NMPM.

A tract of land within the NW1/4NE1/4 of Section 35, said township and range being more particularly described as follows:

Commencing at the northeast corner of Section 35 (as marked by a brass cap monument set in concrete at the northeast corner of the Palisade Addition); thence South 45°04'11" West 1876.21 feet to a point on the intersection of westerly boundary of the Palisade Addition to the City of Gunnison with the South boundary of said NW1/4NE1/4 of Section 35, this being the POINT OF BEGINNING for the herein described tract; thence the following courses around said tract.

1. North 00°36'00" West 780.92 feet along the westerly boundary of said Palisade Addition;
2. North 89°32'00" West 190.10 feet;
3. South 14°42'26" West 807.80 feet to a point on the southerly boundary of said NW1/4NE1/4;
4. South 89°50'41" East 403.36 feet along said southerly boundary to the POINT OF BEGINNING of the herein described tract.

EXCEPTING THEREFROM the Starika property as described by deed recorded at Reception No. 488927 in said records.

CERTIFICATION

STATE OF COLORADO)
) SS
COUNTY OF GUNNISON)

I, Gail A. Davidson, City Clerk of the City of Gunnison, Colorado, do hereby certify that the above is a true and correct copy of Ordinance No. 3, Series 2013, dated February 12, 2013, and the original remains on file and record in the City Clerk's Office and Records of the City of Gunnison.

WITNESS my hand and seal of said City of Gunnison, Colorado, this 13th day of February, 2013.


Gail A. Davidson

